

## REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

### Points 1 & 2: §112 rejections:

The Examiner has rejected claim 7 as being indefinite. Applicant has cancelled claim 7, making the rejection thereon moot.

### Points 3-4: 102(b) Rejection based on Cushner et al ('353):

The Examiner rejected claims 1, 2 and 8 under 35 U.S.C. §102(b) as being anticipated by Cushner et al., US 5,804,353. Applicant has cancelled the rejected claims thereby making this rejection moot.

### Points 5-9: §103(a) Rejection based on Cushner et al ('353) in view of Fan et al (Fan) and Ricchia et al, as well as other references:

The Examiner rejected claims 3-7 under 35 U.S.C. §103(a) as being unpatentable over Cushner in view of Fan and Ricchia, as well as other references being applied to particular claims. These rejections are moot in light of the cancellation of these claims. However, Applicant adds new claims 9-18, which distinguish the invention over the prior art in that these new claims are no longer directed to an inking plate but to a rotary printing machine which essentially conforms to the definition of original claim 7.

Remarks on new claims:

***Claim 9:***

Claim 9 corresponds to a combination of the characteristics of original claims 1, 6 and 7, however, with the following modifications. Claim 9 requires that the machine have both an impression cylinder and a plate cylinder that is inked directly or indirectly by the inking cylinder (and its associated ink duct) having at least one inking plate. This claim further makes reference to the deposit of at least one polymeric layer which defines the outer layer in which the reliefs are cut. In addition, it is required that the reliefs ink the surfaces of the plate cylinder.

***Claims 10-16:***

New claim 10 introduces a new characteristic relative to the intermediate polymeric layer interposed between the base plate and the outer layer. New claims 11, 12, 14, 15 and 16 essentially correspond to the characteristics of prior claims 2, 3, 4, 5, and 8. New claim 13 (which now depends on claim 14) mentions in a general manner that the external polymeric layer is softer than the internal polymeric layer as described in the specification.

***Claim 17:***

New claim 17 corresponds to the characteristics according to which the ends of the base plate that serve to clamp the plate on the inking cylinder are not covered with a polymer.

***Claim 18:***

New claim 18 requires that the printing machine is an intaglio printing machine.

*Concerning Cushner in general, as well as other cited references:*

The cited reference, US Patent No. 5,804,353, describes a flexographic impression plate and not an inking plate. The flexographic impression plate of Cushner is a plate that carries the impression pattern and which is applied directly on the substrates to be printed in order to perform the printing operation. In contrast, an inking plate as defined in the claimed rotary printing machine does not as such carry an impression pattern and is solely used to perform an inking operation. The problem solved by the invention is therefore different in that the inking plate is used for inking the plate cylinder of the printing machine, either directly or indirectly, while the plate cylinder does the printing on the substrates. The plates described in the cited reference do not have the same application and thus do not teach or suggest to one of ordinary skill that such a printing plate may be used for the inking. As for the other cited references, none describes an inking plate having the claimed characteristics and thus do not teach or suggest the printing machine as now claimed.

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Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by cancelling all rejected claims and adding claims 9-18, together with remarks which show how the new claims are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing

patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-747-7849, fax at 011-4122-346-8960 (Geneva is 6 hours ahead of Eastern STD Time), or e-mail at [patents@bugnion.ch](mailto:patents@bugnion.ch).

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for a period of 0 months and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of BUGNION S.A., no. 50-0800.

Respectfully submitted,



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